

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

SCOTT SCHER,

Plaintiff,

v.

**DEUTSCHE BANK TRUST COMPANY
AMERICAS, ET AL.,**

Defendants.

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CIVIL ACTION NO. 4:21-cv-48

JOINT STIPULATION OF DISMISSAL WITHOUT PREJUDICE

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i) and (ii), Plaintiff Scott Scher (“Plaintiff”), Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc., Mortgage Asset-Backed Pass-Through Certificates Series 2006-QS14 (incorrectly named Deutsche Bank Trust Company Americas, as Trustee for Residential Accredit Loans, Inc.), and PHH Mortgage Corporation (together, “Defendants”) (altogether, the “Parties”) file this *Joint Stipulation of Dismissal Without Prejudice*, and respectfully show the Court the following:

1. Pending in this case are Plaintiff’s claims against Defendants as stated in his current live pleading, *Plaintiff’s First Amended Original Petition and Verified Request for Temporary Restraining Order* (the “Complaint”), and Defendants’ counterclaim against Plaintiff and Rhonda Sexton (“Ms. Sexton”) as set forth in *Defendants’ Second Amended Answer and Counterclaim* (the “Counterclaim”).

2. Ms. Sexton has not been served, nor has she appeared or answered in this action.

3. Plaintiff and Defendants have agreed and stipulated that they each shall dismiss their respective claims against each other without prejudice pursuant to Rule 41(a)(1)(A)(ii). Additionally, Defendants wish to and do hereby dismiss their claim without prejudice against Ms. Sexton pursuant to Rule 41(a)(1)(A)(i).

4. Accordingly, the Parties request that the Court accept this stipulation as a dismissal of the Complaint, all of Plaintiff's claims, the Counterclaim, and all of Defendants' counterclaims in this case without prejudice. This stipulation resolves all matters in this cause.

For the foregoing reasons, Plaintiff and Defendants respectfully request that the Court enter an order accepting this *Joint Stipulation of Dismissal Without Prejudice*, dismissing all claims and counterclaims, and assessing costs against the party who incurred them. The Parties also request such other and further relief to which they may show themselves justly entitled.

Respectfully submitted,

/s/ Thomas C. Barron (w/perm. EKD)

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on this 31st day of January 2022 via e-filing on:

Thomas C. Barron

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